UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
VS.	)	NO. 3:10-cr-00260-10
	)	JUDGE HAYNES
YASIN AHMED FARAH	)	

MOTION TO DISQUALIFY PROSECUTOR

Comes the Defendant, Yasin Ahmed Farah, through undersigned counsel, and moves the Court to issue an order disqualifying Van Vincent, Assistant United States Attorney, as prosecutor in the above styled case. For grounds, the Defendant avers that Mr. Vincent will be called by the defense as a witness. The Defendant asserts that Mr. Vincent is a necessary witness. Specifically, Mr. Vincent's testimony will bolster Mr. Farah's testimony at trial. Credibility will be the paramount issue before the jury inasmuch as Mr. Farah is charged with perjury, obstruction of justice and attempted obstruction of justice of an 18 U.S.C. 1591 prosecution.

It is well established that an attorney representing the government cannot act both as prosecutor and witness. United States v. Johnson, 690 F. 2d 638, 642, 43 (7th Cir.1982) (en banc).

For additional grounds, the Court is referenced to the memorandum filed contemporaneously with this motion.

Respectfully submitted,

/s/ Roger N. "Bo" Taylor
ROGER N. "BO" TAYLOR
Attorney for Yasin Ahmed Farah
305 Fourteenth Avenue, North
Nashville, Tennessee 37203
(615) 859-0060; Fax: (615) 320-5597
bo.taylor@305lawoffice.com

ORDER

Applying Johnson, this motion is DENIED. Although Agent Pottratz was present during the conversation at issue, Pottratz does not recall the statement, rendering the need for Van Vincent's testimony greater. Yet, the Government's response D/E No. 1341 at 2 lines 3 and 4 can be used as evidence of Vincent's statement. Fed R. Evid. 807.

[signature] USDJ 3-6-12